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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,317	11/05/2001	Robert R. DeWitt	0412-P00912US3	4088
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EXAMINER				
BUTLER, MICHAEL E				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/007,317

Applicant(s)

DEWITT ET AL.

Examiner

MICHAEL BUTLER

Art Unit

3653

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-25, 27-30, 32-43 and 59-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-25, 27-30, 32-43 and 59-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

Priority

1. Applicants claim of priority as a CIP of application 09/160401 filed 9/26/98 and as a CIP 09/113869 filed 7/10/98 and as a CIP of 08/687704 filed 7/26/96 and 08666737 filed 5/17/96 and 09/655008 filed 09/05/2000.

Drawings

2. Applicants drawings filed 11/27/02 are acceptable.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 25 and 27-29 and 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens et al. '273 (5460273) in view of Miller et al.(5147169). Stevens et al. '273 discloses the major elements including:

serially feeding envelopes from an input bin (c5 L 1-2)
opening an envelope along at least one edge (c9 L 35-55)
presenting contents of the envelope for removal at an extraction station (c10 L 12-48)
holding the envelope at the extraction station while contents are removed from the envelope feeding the contents to an imager and scanning the contents (c21 L 13-17)

Art Unit: 3653

removing the envelope from the extraction station after removal of the envelope contents (c 15 L 1-19; c10 L 12-48)

storing image data on a non-volatile storage medium (c12 L 40-65)

the envelope is pulled apart to expose the contents (c10 L 12-48)

verifying that all of the contents of the envelope have been removed (c10 L 12-48)

holding an envelope at a verifier while a subsequent envelope is held at the extraction station (c 13 L 1-31, system precludes passage of documents while retained document is in envelope as seen by gating of conveyors)

scanning contents to obtain magnetic image data and optical image data of selected documents (c29 L 1-40)

analysis of the magnetic indicia and optical image data is corroborated to verify accuracy of the document (c21 L 14-59; c 22 L 22-40)

magnetic indicia is read to locate and read magnetic indicia and optical image data (c21 L 14-59; c 22 L 22-40)

determining transaction type and correlating image data with the transaction type (c 22 L 7-40)

the opening step is performed by cutting along at least one edge (c9 L 34-55)

content comprises one or more documents and the apparatus comprises an image transport for conveying extracted content to the imaging device, and the image transport comprises an input configured to receive a document manually fed to the input (c16 L 1-10)

the content comprises one or more documents and the apparatus comprises an image transport for conveying extracted content to the imaging device, and the image transport comprises an input configured to receive a document manually fed to the input (c16 L 1-10)

documents are singulated to serially convey the documents through an imager (c16 L 1-10)

examining the removed contents to determine information regarding the contents and controlling the manner in which the contents are fed to the imager in response to the determined information (c 22 L 7-40)

the documents are sorted responsive to the determined information (c29 L 65-c30 L 40)

imager comprised multiple chutes in which documents are feed according to document type (c 22 L 7-40)

the removed documents are examined to determine information and auditory signals are provided to determine information & control processing of the contents (c21 L 14-59)

magnetically scanning at least one document to read magnetic indicia (c 22 L 7-40)

Art Unit: 3653

analyzing optical image data for at least one document to locate and read magnetic indicia (c21 L 14-59; c 22 L 22-40)

results of magnetically scanning and optically scanning documents are used to compare and locate magnetic indicia (c21 L 14-59; c 22 L 22-40);

(Re: cl 24,80) pulling one side of the envelope away while holding the other stationary to expose and remove the contents (c10 L 12-48; fig 7)

(Re: cl 27,32,61) non-volatile storage medium for receiving and storing image data (c12 L 40-65)

(Re: cl 28,33,62) optical imaging device for obtaining document image (c29 L 1-40)

(Re: cl 29,34) magnetic imaging device; transport controller automatically advances envelope away from extractor after content removal (c21 L 14-59; c22 L 22-40)

(Re: cl 37) storing image on non volatile memory (c12 L 40-65)

(Re: cl 38) determining whether transaction is extracted and controlling envelope advance premised upon that determination (c13 L 1-31)

(Re: cl 39) scanning for optical image (c29 L 1-40)

(Re: cl 40) scanning for magnetic image (c21 L 14-59; c22 L 22-40)

(Re: cl 41) magnetic and optical scanning of image and verifying accuracy of image (c21 L 14-59; c22 L 22-40)

(Re: cl 42) feeding document to an input nip (c10 L 12-48; fig 7).

Stevens et al. '273 further teaches the modularity and interchangeability of the component subsystems, particularly of the extractor (c5 L 1-5).

Miller et al. discloses a semi-automated document processing system in which the automated the document is manually removed by an operator from a cut envelope (c7 L 46-53; c1 L 36-39).

It would have been obvious at the time of the invention for Stevens et al. '273 to omit the automated document extractor and remove the document from the envelope because removal saves the capital cost associated with the automated extractor and provides a reliable approach to document removal verification and manual operation of steps helps in repair, upgrade, and trouble shooting as taught by Miller et al. and thereby come up with the instant claimed invention.

Art Unit: 3653

5. Claims 17-25 and 27-30 and 32-43 and 59-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens et al. '273 in view of Robertson et al. 6230471. Stevens et al. '273 discloses the major elements including:

serially feeding envelopes from an input bin (c5 L 1-2)
opening an envelope along at least one edge (c9 L 35-55)
presenting contents of the envelope for removal at an extraction station (c10 L 12-48)
holding the envelope at the extraction station while contents are removed from the envelope, feeding the contents to an imager and scanning the contents (c21 L 13-17)
removing the envelope from the extraction station after removal of the envelope contents (c 15 L 1-19; c10 L 12-48)
storing image data on a non-volatile storage medium (c12 L 40-65)
the envelope is pulled apart to expose the contents (c10 L 12-48)
verifying that all of the contents of the envelope have been removed (c10 L 12-48)
holding an envelope at a verifier while a subsequent envelope is held at the extraction station (c 13 L 1-31, system precludes passage of documents while retained document is in envelope as seen by gating of conveyors)
scanning contents to obtain magnetic image data and optical image data of selected documents (c29 L 1-40)
analysis of the magnetic indicia and optical image data is corroborated to verify accuracy of the document (c21 L 14-59; c 22 L 22-40)
magnetic indicia is read to locate and read magnetic indicia and optical image data (c21 L 14-59; c 22 L 22-40)
determining transaction type and correlating image data with the transaction type (c 22 L 7-40)
the opening step is performed by cutting along at least one edge (c9 L 34-55)
content comprises one or more documents and the apparatus comprises an image transport for conveying extracted content to the imaging device, and the image transport comprises an input configured to receive a document manually fed to the input (c16 L 1-10)
the content comprises one or more documents and the apparatus comprises an image transport for conveying extracted content to the imaging device, and the image transport comprises an input configured to receive a document manually fed to the input (c16 L 1-10)
documents are singulated to serially convey the documents through an imager (c16 L 1-10)

Art Unit: 3653

examining the removed contents to determine information regarding the contents and controlling the manner in which the contents are fed to the imager in response to the determined information (c 22 L 7-40)

the documents are sorted responsive to the determined information (c29 L 65-c30 L 40)

imager comprised multiple chutes in which documents are feed according to document type (c 22 L 7-40)

the removed documents are examined to determine information and auditory signals are provided to determine information & control processing of the contents (c21 L 14-59)

magnetically scanning at least one document to read magnetic indicia (c 22 L 7-40)

analyzing optical image data for at least one document to locate and read magnetic indicia (c21 L 14-59; c 22 L 22-40)

results of magnetically scanning and optically scanning documents are used to compare and locate magnetic indicia (c21 L 14-59; c 22 L 22-40);

(Re: cl 71) wherein the system controller is operable to control the transport to automatically advance the envelope away from the extractor after the content is removed from the envelope (c21 L 14-59; c22 L 22-40)

(Re: cl 24) pulling one side of the envelope away while holding the other stationary to expose and remove the contents (c10 L 12-48; fig 7)

(Re: cl 27,32) non-volatile storage medium for receiving and storing image data (c12 L 40-65)

(Re: cl 28,33) optical imaging device for obtaining document image (c29 L 1-40)

(Re: cl 29,34) magnetic imaging device; transport controller automatically advances envelope away from extractor after content removal (c21 L 14-59; c22 L 22-40)

(Re: cl 37) storing image on non volatile memory (c12 L 40-65)

(Re: cl 38) determining whether transaction is extracted and controlling envelope advance premised upon that determination (c13 L 1-31)

(Re: cl 39) scanning for optical image (c29 L 1-40)

(Re: cl 40) scanning for magnetic image (c21 L 14-59; c22 L 22-40)

(Re: cl 41) magnetic and optical scanning of image and verifying accuracy of image (c21 L 14-59; c22 L 22-40)

(Re: cl 42) feeding document to an input nip (c10 L 12-48; fig 7)

(Re: cl 71) wherein the system controller is operable to control the transport to automatically advance the envelope away from the extractor after the content is removed from the envelope (c21 L 14-59; c22 L 22-40).

Stevens et al. '273 further teaches the modularity and interchangeability of the component subsystems, particularly of the extractor (c5 L 1-5).

Robertson et al. discloses a semi-automated document processing system in which the automated the document is manually removed by an operator from a cut envelope (90/120; c3 L 1-24)

wherein the extractor comprises a pair of opposing arm configured to pull open the envelopes to present the contents to the operator (192 fig 11; c11 L 62-67)

(re: cl 17) dropping the removed document toward a transport (c3 L1-12)

(Re: cl 30, 73) a second transport configured to receive documents manually fed to the second transport and transport the documents to the imaging device (c9 L 50-62)

(Re: cl 60,67) a transport configured to receive an extracted document that is dropped toward the transport and convey the document toward the imaging device.(c3 L1-12)

(Re: cl 82) the input of the imaging device is configured to receive a document dropped toward the image transport.(c3 L1-12)

(Re: cl 81) manually feeding the transaction to an imaging station comprises dropping the removed document toward a transport (c3 L1-12)

(Re: cl 82) the input of the imaging device is configured to receive a document dropped toward the image transport (c3 L1-12)

(Re: cl 83) the image transport is configured to receive a document dropped toward the image transport (c3 L1-12)

(Re: cl 65) the system controller is operable to control the transport to retain the envelope at a pre-defined position until the system controller receives a signal from the sensor indicative of the document being removed from the envelope (c13 L 30-48).

It would have been obvious at the time of the invention for Stevens et al. '273 to use a sensor to monitor the extracting to verify a document is forthcoming at the transport and to verify a document has not got stuck in the envelope and schedule document processing intervals as taught drop the extracted content to toward a imaging device transport to use gravity to direct the content to scan and image the content for archiving copies valuable contents and to transmit such content electronically to transactional sources such as laboratories or banks or courts and come up with the invention. It would have been obvious at the time of the invention for Stevens et al. '273 to use a second transport to reduce the time the operator must wait or the next envelope to be advanced to the extractor after the contents in an envelope are extracted as taught by Robertson et al. and come up with the invention.

It would have been obvious at the time of the invention for Stevens et al. '273 to omit the automated document extractor and remove the document from the envelope because removal saves the capital cost associated with the automated extractor and provides a reliable approach to document removal verification and manual operation of steps helps in repair, upgrade, and trouble shooting as taught by Robertson et al. . It would have been obvious at the time of the invention for Stevens et al. '273 to spread the sides of the envelope during content extraction to spread the envelope sides to permit a person to grasp the documents by placing a hand inside the envelope as taught by Robertson et al. .

It would have been obvious at the time of the invention for Stevens et al. '273 to drop the extracted content to toward a imaging device transport to use gravity to direct the content to scan and image the content for archiving copies valuable contents and to transmit such content

Art Unit: 3653

electronically to transactional sources such as laboratories or banks or courts and come up with the invention.

6. Claims 25 and 27-29 and 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens et al. '273 in view of DeWitt et al. 5052168. Stevens et al. '273 discloses the major elements including:

- serially feeding envelopes from an input bin (c5 L 1-2)
- opening an envelope along at least one edge (c9 L 35-55)
- presenting contents of the envelope for removal at an extraction station (c10 L 12-48)
- holding the envelope at the extraction station while contents are removed from the envelope, feeding the contents to an imager and scanning the contents (c21 L 13-17)
- removing the envelope from the extraction station after removal of the envelope contents (c 15 L 1-19; c10 L 12-48)
- storing image data on a non-volatile storage medium (c12 L 40-65)
- the envelope is pulled apart to expose the contents (c10 L 12-48)
- verifying that all of the contents of the envelope have been removed (c10 L 12-48)
- holding an envelope at a verifier while a subsequent envelope is held at the extraction station (c 13 L 1-31, system precludes passage of documents while retained document is in envelope as seen by gating of conveyors)
- scanning contents to obtain magnetic image data and optical image data of selected documents (c29 L 1-40)
- analysis of the magnetic indicia and optical image data is corroborated to verify accuracy of the document (c21 L 14-59; c 22 L 22-40)
- magnetic indicia is read to locate and read magnetic indicia and optical image data (c21 L 14-59; c 22 L 22-40)
- determining transaction type and correlating image data with the transaction type (c 22 L 7-40)
- the opening step is performed by cutting along at least one edge (c9 L 34-55)
- content comprises one or more documents and the apparatus comprises an image transport for conveying extracted content to the imaging device, and the image transport comprises an input configured to receive a document manually fed to the input (c16 L 1-10)
- the content comprises one or more documents and the apparatus comprises an image transport for conveying extracted content to the imaging device, and the image transport comprises an input configured to receive a document manually fed to the input (c16 L 1-10)

documents are singulated to serially convey the documents through an imager (c16 L 1-10)

examining the removed contents to determine information regarding the contents and controlling the manner in which the contents are fed to the imager in response to the determined information (c 22 L 7-40)

the documents are sorted responsive to the determined information (c29 L 65-c30 L 40)

imager comprised multiple chutes in which documents are feed according to document type (c 22 L 7-40)

the removed documents are examined to determine information and auditory signals are provided to determine information & control processing of the contents (c21 L 14-59)

magnetically scanning at least one document to read magnetic indicia (c 22 L 7-40)

analyzing optical image data for at least one document to locate and read magnetic indicia (c21 L 14-59; c 22 L 22-40)

results of magnetically scanning and optically scanning documents are used to compare and locate magnetic indicia (c21 L 14-59; c 22 L 22-40);

(Re: cl 24) pulling one side of the envelope away while holding the other stationary to expose and remove the contents (c10 L 12-48; fig 7)

(Re: cl 27,32) non-volatile storage medium for receiving and storing image data (c12 L 40-65)

(Re: cl 28,33) optical imaging device for obtaining document image (c29 L 1-40)

(Re: cl 29,34) magnetic imaging device; transport controller automatically advances envelope away from extractor after content removal (c21 L 14-59; c22 L 22-40)

(Re: cl 37) storing image on non volatile memory (c12 L 40-65)

(Re: cl 38) determining whether transaction is extracted and controlling envelope advance premised upon that determination (c13 L 1-31)

(Re: cl 39) scanning for optical image (c29 L 1-40)

(Re: cl 40) scanning for magnetic image (c21 L 14-59; c22 L 22-40)

(Re: cl 41) magnetic and optical scanning of image and verifying accuracy of image (c21 L 14-59; c22 L 22-40)

(Re: cl 42) feeding document to an input nip (c10 L 12-48; fig 7)

(Re: cl 71) wherein the system controller is operable to control the transport to automatically advance the envelope away from the extractor after the content is removed from the envelope (c21 L 14-59; c22 L 22-40).

Stevens et al. '273 further teaches the modularity and interchangeability of the component subsystems, particularly of the extractor (c5 L 1-5).

DeWitt et al. discloses a semi-automated document processing system in which the automated the document is manually removed by an operator from a cut envelope (c1 L 19-21); (Re: cl 26,31) wherein the extractor comprises a pair of opposing arm configured to pull open the envelopes to present the contents to the operator (4 fig 5 ; c3 L 40-46).

It would have been obvious at the time of the invention for for Stevens et al. '273 to omit the automated document extractor and remove the document from the envelope because removal saves the capital cost associated with the automated extractor and provides a reliable approach to document removal verification and manual operation of steps helps in repair, upgrade, and trouble shooting as taught by Miller et al. . It would have been obvious at the time of the invention for Stevens et al. '273 to spread the sides of the envelope during content extraction to spread the envelope sides to permit a person to grasp the documents by placing a hand inside the envelope as taught by DeWitt et al..

Response to Arguments

7. Applicant's amendment was effective in overcoming the rejections to claims 17-24 evidenced by Stevens '273 in view of Miller et al. and Stevens '273 in view of DeWitt et al.. Applicant's amendment and arguments were not persuasive in overcoming the prior art evidenced by Stevens '273 in view of Robertson et al..

Applicant's arguments were not persuasive in overcoming the prior art rejections evidenced by Stevens '273 in view of Miller et al. to claims 25 and 27-29 and 36-43 nor was it persuasive in overcoming the rejections evidenced by Stevens '273 in view of De Witt et al. to claims 25 and 27-29 and 36-43. De-automating is a step back in the technology. Regressing by

not automating is not an advancement in the art. Removing the automation is a broadening of the claim scope over the prior art.

It would also be necessary to manually extract the contents of envelopes during debugging, troubleshooting or prototyping of the system when the extractor could be the source of a systems interface problem. Patents are granted premised upon what the disclosure brings to the technology, not what regression an applicant can omit. Such troubleshooting techniques are the teachings of Stevens '273 are readily combinable with the teachings of Miller et al.. The assertion that a supplemental feeder is required for omission of an automated extractor is not reflective of what is omitted structure from the claims.

Applicant appears to be confusing the combining of the marketed product with the disclosure. The teachings of the disclosure is not limited to the product enabled by the preferred embodiment enabled by the disclosure.

The instant application is a CIP of its parent application which is in turn a CIP or its grandparent case which in turn is a CIP of its great-grandparent case which in turn is a CIP of its great-great-grandparent case.

Robertson et al. was filed prior to the instant application and the parent and grandparent cases of this case. Any claimed subject matter introduced in the parent and grandparent case is junior to the Robertson et al. reference. Accordingly, as the material claimed from which Robertson et al. was applied relates to matter added to applicant's application chain after the 1996 filing of the great grandparent case 08/687704 and before the filing of 09/160401 on 9/26/98 and 09/113869 on, Robertson et al. is valid prior art.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez, can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. E. B./

Examiner, Art Unit 3653

/John Q. Nguyen/

Supervisory Patent Examiner, Art Unit 3654